

## Migratory Bird Conservation Account

### Appropriations Language

This activity does not require appropriations language, except for advances, which are not being requested, as there is permanent authority to use the receipts.

### Authorizing Statutes

**The Migratory Bird Conservation Act**, as amended (16 U.S.C. 715), establishes a Migratory Bird Conservation Commission to approve areas recommended for acquisition by the Secretary of the Interior. The Act authorizes the Secretary of the Interior to acquire migratory bird areas approved by the Commission.

**National Wildlife Refuge System Administration Act**, as amended (16 U.S.C. 668dd-ee), requires payment of fair market value for any right-of-way easement or reservation granted within the refuge system. These funds are to be deposited in the Migratory Bird Conservation Account.

**Wetlands Loan Act**, as amended (16 U.S.C. 715k-3 through 715k-5), authorizes the appropriation of advances (not to exceed \$200 million, available until expended) to accelerate acquisition of migratory waterfowl habitat. To date, \$197,439,000 was appropriated under this authority. Funds appropriated under the *Wetlands Loan Act* are merged with receipts from sales of "duck stamps" and other sources and made available for acquisition of migratory bird habitat under provisions of the *Migratory Bird Conservation Act* or the *Migratory Bird Hunting and Conservation Stamp Act*.

**Migratory Bird Hunting and Conservation Stamp Act**, as amended (16 U.S.C. 718), This Act requires all waterfowl hunters 16 years of age or older to possess a valid Federal Migratory Bird Hunting and Conservation Stamp (commonly known as a "Duck Stamp"). Funds from the sale of this stamp are placed in the Migratory Bird Conservation Fund established by this Act. The Act also authorizes the Secretary of the Interior to acquire waterfowl production areas.

**Emergency Wetlands Resources Act of 1986**, (16 U.S.C. 3901), provides for: (1) an amount equal to the amount of all import duties collected on arms and ammunition to be paid quarterly into the Migratory Bird Conservation Account; (2) seventy percent of admission fees collected at units of the National Wildlife Refuge System to be deposited into the Migratory Bird Conservation Account; (3) removal of the repayment provision of the wetlands loan; and (4) the graduated increase in the price of the Migratory Bird Hunting and Conservation Stamp over a five year period to \$15.00. The 1996 and subsequent Appropriations Act eliminated the deposits of admission fees to the Migratory Bird Conservation Account for those refuges participating in the Recreational Fee Demonstration Program.

Migratory Bird Conservation Account	2003 Actual	2004 Estimate	Uncontrollable & Related Changes (+/-)	Program Changes (+/-)	2005 Budget Request	Change From 2004 (+/-)
Duck Stamp and Misc. Receipts \$(000)	25,150	24,400	0	+1,000	25,400	+1,000
Import Duties on Arms and Ammunition \$(000)	18,504	16,500	0	0	16,500	0
Entrance Fees \$(000)	148	250	0		250	0
Cost Allocation Methodology \$(000)		[TBD]*	0	0	[TBD]*	0
<b>Total, Migratory Bird Conservation Account \$(000)</b>	<b>43,802</b>	<b>42,250</b>	<b>0</b>	<b>+1,000</b>	<b>43,250</b>	<b>+1,000</b>
<b>FTE</b>	<b>82</b>	<b>82</b>	<b>0</b>	<b>-9</b>	<b>73</b>	<b>-9</b>

\* The Service is reviewing the Cost Allocation Methodology and will provide an FY 2005 budget proposal by April 15, 2004.

## Program Overview

The Service acquires important migratory bird breeding areas, migration resting places, and wintering areas under terms of the *Migratory Bird Conservation Act* and the *Migratory Bird Hunting and Conservation Stamp Act*. Areas acquired become units of the National Wildlife Refuge System. These acquisitions, through state-level review, contribute to the Secretary's goal to conserve resources through cooperation, consultation and communication. Under the DOI Strategic Plan, acquisitions support the Resource Protection goal to sustain biological communities on DOI managed or influenced lands in a manner consistent with obligations regarding the allocation and use of water.

Service policy is to acquire land and water interests including, but not limited to, fee title, easements, leases, and other interests. We encourage donations of desired lands or interests. The Service acquires land and waters consistent with legislation, other congressional guidelines, and Executive Orders for the conservation, management, and where appropriate, restoration of ecosystems, fish, wildlife, plants and related habitat, and to provide compatible, wildlife-oriented public use for education and recreational purposes.

The Service considers many factors before seeking approval for acquisition, including:

- value of the habitat to the waterfowl resource (in general or for specific species);
- degree of threat to these values due to potential land use changes;
- possibility of preserving habitat values through means other than Service acquisition; and,
- long-term operations and maintenance costs associated with acquisition.

The Service focuses its acquisition efforts, with state-level review and input, to benefit waterfowl species most in need of habitat protection. The waterfowl habitat acquisition program supports the Service's emphasis on nine waterfowl National Resource Species (black duck, cackling Canada goose, canvasback, mallard, Pacific brant, Pacific white-fronted goose, pintail, redhead, and wood duck).

The Migratory Bird Conservation Commission (MBCC) is responsible for considering, and approving for acquisition, areas of migratory bird habitat (other than waterfowl production areas) that have been

submitted by regional offices and recommended by the Secretary. The Secretary is authorized to approve purchases of waterfowl production areas under the *Migratory Bird Hunting and Conservation Stamp Act*. The MBCC:

- is composed of representatives from the Legislative and Executive Branches of government;
- fixes the price at which such areas may be purchased or rented;
- meets three times a year (normally March, June and September); and,
- reports annually to Congress through its chairman, the Secretary of the Interior.

To carry out these approved projects, MBCA funds support a staff of realty specialists, surveyors, realty assistants, cartographers and program managers. This staff performs detailed, legally technical duties including boundary surveys, mapping, landowner negotiations, title curative work, case closures, and post-acquisition tracking resulting from land acquisition at national wildlife refuges and waterfowl production areas with MBCA funding. Beginning in 2004, real estate appraisal functions within the Department of the Interior were consolidated in order to achieve significant reform of the appraisal function. The new appraisal organization, which reports to the National Business Center, is supported with supplemental funding from the Migratory Bird Conservation Account. See the Land Acquisition chapter for a more detailed description of appraisal reforms.

### 2003 Program Performance Accomplishments

STATE	Accomplishments FY 2003 Acres	FY 2003 Acquisition Costs & Misc. Lease Payments
Arkansas	879	\$1,672,334
California	2,160	\$1,595,475
Colorado	638	\$788,691
Idaho	560	\$504,000
Iowa	358	\$768,759
Louisiana	3,217	\$128,670
Maryland	486	\$986,580
Massachusetts	95	\$345,400
Michigan	152	\$600,000
Minnesota	3,755	\$3,374,136
Mississippi	117	\$208,632
Montana	1,364	\$261,080
New Jersey	88	\$259,000
North Carolina	1,521	\$1,087,400
North Dakota	5,842	\$689,500
South Carolina	139	\$111,568
South Dakota	29,399	\$6,073,460
Tennessee	341	\$875,000
Texas	26,368	\$10,757,951
Utah	56	\$696,800
Virginia	93	\$292,480

Washington	73	\$284,523
Wisconsin	169	\$1,013,681
Wyoming	0	\$3,856
<b>TOTAL</b>	<b>77,870</b>	<b>\$33,378,976</b>

For the purposes of reporting the number of acres added to the National Wildlife Refuge System under the draft DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account are combined with acquisitions from the Land Acquisition Account. The combined acquisitions (reported in the Land Acquisition section of the budget justifications) support the Resource Protection goal to sustain biological communities on DOI lands in a manner consistent with obligations regarding the allocation and use of water.

From 1935 to 2003 the Migratory Bird Conservation program has generated roughly \$772,920,188 in receipts for the acquisition of wetlands important to waterfowl. The *Migratory Bird Conservation Act* directs these funds, along with proceeds from import duties on certain firearms and ammunition, refuge entrance fees, payments from rights-of-way on refuges, sale of refuge lands and reverted Federal Aid funds, be deposited in the MBCA. Cumulative disbursements from this fund (which included some appropriations in the early years) have been used to purchase some 2,929,618 acres in fee title and 2,196,247 acres of easements or leases. At the close of FY 2003, a total of 5,125,805 acres with a purchase price of \$849,424,678 have been protected.

The mix of acreage available for protection by conservation easement or fee title acquisition varies from year to year, depending, in part, on the wishes of the landowners involved. Acquiring conservation easements protected about 54 percent of the total 77,870 acres purchased under the program during FY 2003. Easements are agreements that allow the private landowner to retain ownership of the land with certain restrictions on specified activities within that portion of the property that is under the conservation easement. For example, draining or filling the wetland or burning the associated grassland in the easement area may be prohibited. These perpetual easements cost a fraction of what it would cost to acquire fee interest in the land, though the actual percentage varies depending on the market value and the restrictions imposed. Our easement program benefits taxpayers, landowners and conservationists alike, and is a prime example of a federal program that works on all levels. In addition, landowners continue to pay the taxes on their easement property.

Acres Acquired Per Year By Fee and Easement			
FY 1999 - 2003			
FY	Fee	Easement	Total
2003	36,164	41,706	77,870
2002	21,274	48,931	70,205
2001	22,300	79,292	101,592
2000	30,507	76,309	106,816
1999	54,548	61,610	116,158
<b>Total</b>	<b>164,793</b>	<b>307,848</b>	<b>472,641</b>

Though the Duck Stamp receipts vary annually depending upon waterfowl population levels, bag limits, and economic conditions, approximately 58 percent of funding for the MBCA in 2003 came from the sale of Duck Stamps. The number of stamps sold in FY 2003 rose slightly to about 1.7 million. Costs for printing and distribution of the stamps are deducted from the revenues; the balance is directed to acquisition of refuges and waterfowl protection areas.

Import duties collected on arms and ammunition are deposited into the MBCA, as specified by the *Emergency Wetland Resources Act of 1986* (P.L. 95-645), and constituted approximately 42 percent

of receipts in FY 2003. The *Emergency Wetland Resources Act of 1986* also included a provision for establishment and collection of entrance fees at national wildlife refuges, with 70 percent of the fee receipts to be deposited into the MBCA and 30 percent to be allocated for refuge operations and maintenance. The FY 2003 entrance fees deposited to MBCA were less than 1 percent of total MBCA receipts. The Recreational Fee Demonstration Program authorized by *FY 1996 Omnibus Appropriations Act*, as amended, allows participating refuges to retain fees collected at participating field stations from FY 1997 through FY 2005, with spending authority through FY 2008. The 108 refuges participating in the Recreation Fee Demonstration Program do not contribute to the MBCA. Refuges participating in the original program authorized under the *Emergency Wetland Resources Act of 1986* continue to deposit 70 percent of funds collected to the MBCA.

To better align program responsibilities, in FY 2003 the Service transferred management of the Duck Stamp program from General Operations to the Migratory Bird program in the Resource Management account. As a separate branch it will continue to perform the important functions it always has relative to conducting the Duck Stamp Contest, coordinating the Junior Duck Stamp Program, ensuring the availability and distribution of stamps to the customers (hunters, collectors, and conservationists), overseeing the licensing of the images, and more. The reorganization provides for a greater sharing of expertise between the Division of Bird Habitat Conservation and the Duck Stamp Program and enhanced collaboration within the Service to further the Secretary's Four-C vision.

#### 2004 Performance Goal Estimates

STATE	Estimated Acres FY 2004	Estimated Acquisition Costs FY 2004
Misc. Lease Payments	13,025	\$191,046
Arkansas	320	\$600,000
California	5,570	\$4,550,000
Florida	33	\$187,000
Georgia	1,000	\$1,500,000
Iowa	750	\$2,000,000
Louisiana	326	\$262,000
Michigan	150	\$500,000
Minnesota	3,282	\$3,000,000
Mississippi	1,060	\$1,137,000
Montana	5,000	\$500,000
New Jersey	414	\$497,820
New York	67	\$67,000
North Carolina	162	\$993,000
North Dakota	3,000	\$700,000
Oklahoma	202	\$83,500
South Dakota	70,000	\$7,800,000
Tennessee	268	\$660,000

## MIGRATORY BIRD CONSERVATION ACCOUNT

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Texas	6,012	\$4,023,230
West Virginia	750	\$2,500,000
Wisconsin	500	\$1,400,000
<b>TOTALS</b>	<b>111,891</b>	<b>\$33,151,596</b>

**Note:** The FY 2004 program performance is based on the assumption that every project that is tentatively being planned will be submitted and subsequently approved by the Migratory Bird Conservation Commission.

In FY 2004 the U.S. Postal Service is converting to the Standard Government Fiscal Year and the MBCA will be receiving four quarterly payments (from sales of Duck Stamps) rather than monthly deposits. The last quarter payment will not be received until October 12, 2004, which falls in FY 2005. This timing difference will cause a reduction in the receipts credited to the MBCA in FY 2004.

For the purposes of reporting number of acres added to the National Wildlife Refuge System under the DOI Strategic Plan, acquisitions from the Migratory Bird Conservation Account are combined with acquisitions from the Land Acquisition Account. The combined acquisitions (reported in the Land Acquisition section of the budget justifications) support the Resource Protection goal to sustain biological communities on DOI lands in a manner consistent with obligations regarding the allocation and use of water.

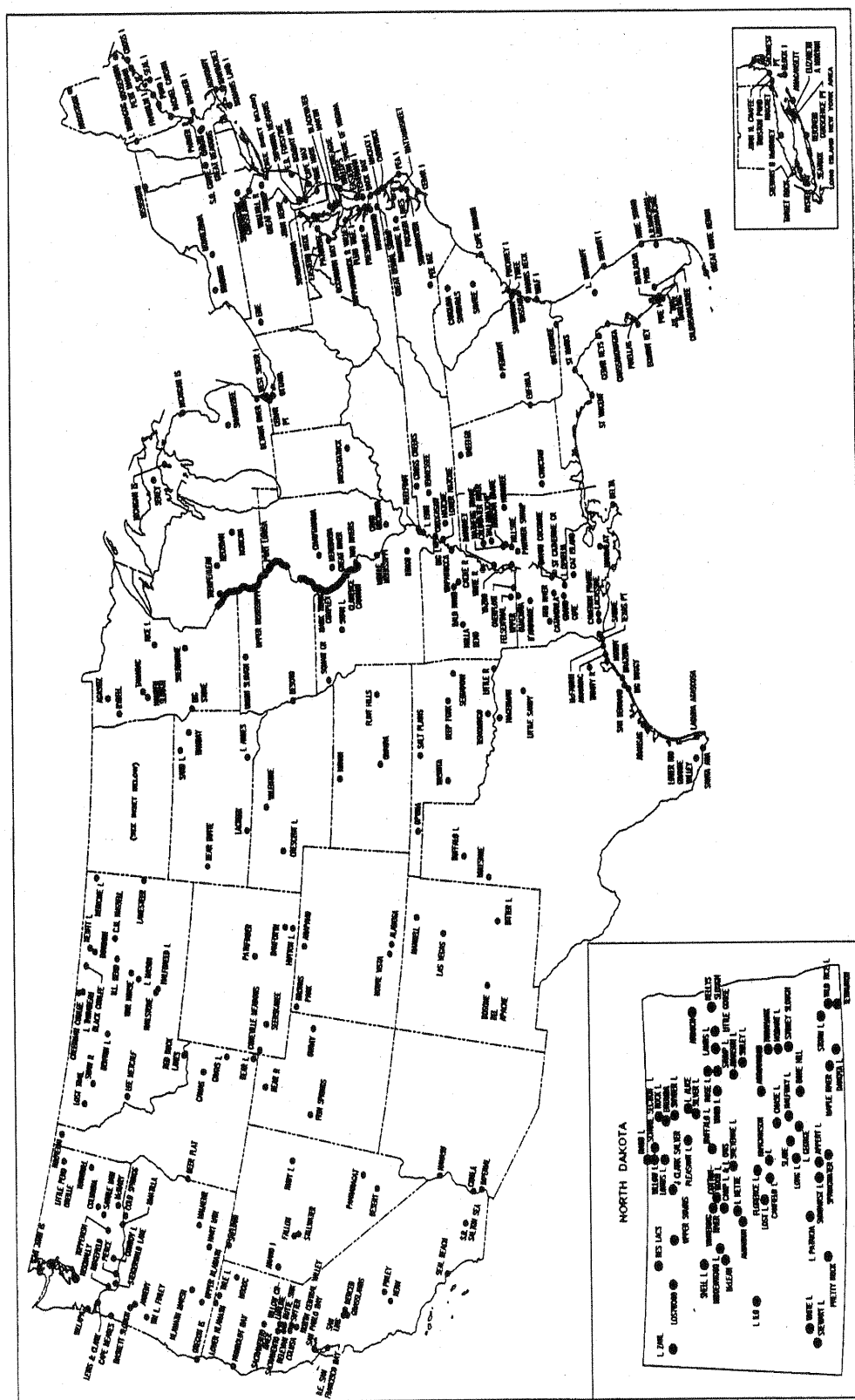
### Program Performance Summary

See performance summary reported in Land Acquisition section of the budget justifications for details. The program directly supports the Resource Protection goal to sustain biological communities on DOI managed lands and waters in a manner consistent with obligations regarding the allocation and use of water, and contributes to additional goals regarding recreational use and serving communities.

Workload Indicators						
Subactivity	Actual FY 2003		Estimated FY 2004		Estimated FY 2005	
	(\$000)	Acres	(\$000)	Acres	(\$000)	Acres
Refuge Acquisition	21,326	37,026	17,246	27,649	17,346	28,000
Waterfowl Production Areas	12,052	40,844	15,905	84,242	16,004	84,000
Duck Stamp Printing and Distribution	705		750		750	
<b>Total</b>	<b>34,084</b>	<b>77,870</b>	<b>33,902</b>	<b>111,891</b>	<b>34,100</b>	<b>112,000</b>

MIGRATORY BIRD CONSERVATION COMMISSION  
NATIONAL MIGRATORY BIRD REFUGE AREAS

UNITED STATES  
DEPARTMENT OF THE INTERIOR



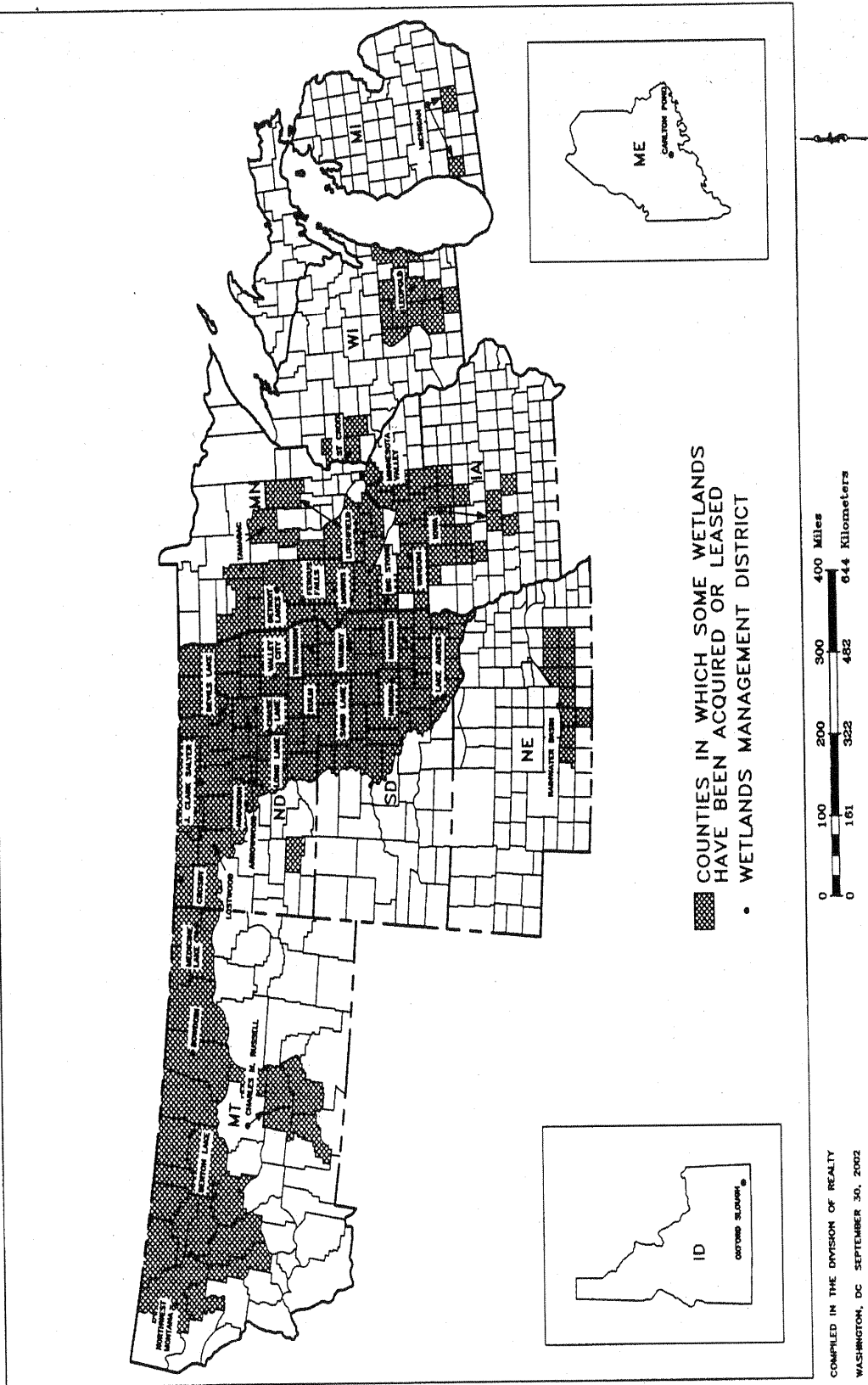
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WASHINGTON, DC SEPTEMBER 30, 2002



## WATERFOWL PRODUCTION AREAS

UNITED STATES  
FISH AND WILDLIFE SERVICE

UNITED STATES  
DEPARTMENT OF THE INTERIOR



COMPILED IN THE DIVISION OF REALTY  
WASHINGTON, DC SEPTEMBER 30, 2002

Standard Form 300

DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
MIGRATORY BIRD CONSERVATION ACCOUNT

Unavailable Collections (in thousands of dollars)	2003 Actual	2004 Estimate	2005 Estimate
<b>Identification code 14-5137-0-2-303</b>			
01.99 Balance, start of year	0	0	0
<b>Receipts:</b>			
02.01 Migratory bird hunting and conservation stamps	25,151	24,400	25,400
02.02 Import duties on arms and ammunition	18,504	17,600	17,600
02.03 Entrance fees, refuge units	148	250	250
02.99 Total receipts and collections	43,803	42,250	43,250
<b>Appropriations:</b>			
05.01 Migratory Bird Conservation Account (-)	-43,803	-42,250	-43,250
07.99 Balance, end of year	0	0	0

Program and Financing (in thousands of dollars)	2003 Actual	2004 Estimate	2005 Estimate
<b>Identification code 14-5137-0-2-303</b>			
<b>Obligations by program activity:</b>			
00.01 Printing and sale of hunting stamps	705	750	750
00.02 Migratory Bird Conservation Commission	3	7	7
00.03 Acquisition of refuges and other areas	41,509	44,077	42,535
10.00 Total obligations	42,217	44,834	43,292

<b>Budgetary resources available for obligation:</b>			
21.40 Unobligated balance carried forward, start of year	5,129	7,230	4,646
22.00 New budget authority (gross)	43,803	42,250	43,250
22.10 Resources available from recoveries of prior year obligations	515	0	0
23.90 Total budgetary resources available for obligation	49,447	49,480	47,896
23.95 Total new obligations (-)	-42,217	-44,834	-43,292
24.40 Unobligated balance carried forward, end of year	7,230	4,646	4,604

<b>New budget authority (gross), detail:</b>			
Permanent:			
60.20 Appropriation (special fund)	43,803	42,250	43,250
70.00 Total new budget authority (gross)	43,803	42,250	43,250

<b>Change in obligated balances:</b>			
72.40 Obligated balance, start of year	14,433	14,971	17,089
73.10 Total new obligations	42,217	44,834	43,292
73.20 Total outlays, gross (-)	-41,164	-42,716	-42,950
73.45 Recoveries of prior year obligations (-)	-515	0	0
74.40 Obligated balance, end of year	14,971	17,089	17,431

Standard Form 300

DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
MIGRATORY BIRD CONSERVATION ACCOUNT

Program and Financing (in thousands of dollars)	2003 Actual	2004 Estimate	2005 Estimate
Identification code 14-5137-0-2-303			
<b><u>Outlays, (gross) detail:</u></b>			
86.97 Outlays from new mandatory authority	30,662	29,575	30,275
86.98 Outlays from mandatory balances	10,502	13,141	12,675
87.00 Total outlays (gross)	41,164	42,716	42,950

<b><u>Net budget authority and outlays:</u></b>			
89.00 Budget authority	43,803	42,250	43,250
90.00 Outlays	41,164	42,716	42,950

<b><u>Direct obligations:</u></b>			
Personnel compensation:			
11.1 Full-time permanent	5,192	5,441	5,139
11.3 Other than full-time permanent	45	47	45
11.5 Other personnel compensation	83	87	82
11.9 Total personnel compensation	5,320	5,575	5,266
12.1 Civilian personnel benefits	1,411	1,479	1,397
21.0 Travel and transportation of persons	290	294	298
22.0 Transportation of things	65	66	67
23.1	7	7	7
23.2 Rental payments to others	3	3	3
23.3 Communications, utilities, and miscellaneous charges	801	813	824
24.0 Printing and reproduction	40	41	41
25.2 Other services	1,158	1,175	1,191
25.3 Purchase of goods and services from Government accounts	72	73	893
25.4 Operation and maintenance of facilities	1	1	1
25.7 Operation and maintenance of equipment	30	30	31
26.0 Supplies and materials	167	170	172
31.0 Equipment	278	282	286
32.0 Land and structures	32,574	34,825	32,815
99.9 Total new obligations	42,217	44,834	43,292

<b>Personnel Summary</b>	2003 Actual	2004 Estimate	2005 Estimate
Identification code 14-5137-0-2-303			
<b><u>Direct:</u></b>			
Total compensable workyears:			
1001 Full-time equivalent employment	82	82	73
Average salary per FTE	82,085	86,025	91,273

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